

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES A. BIGELOW,

Plaintiff,

vs.

NORTHWEST TRUSTEE SERVICES,
INC.; GREEN TREE SERVICING, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, Inc.;
WRIGHT, FINLAY & ZAK, LLP; TICOR
TITLE COMPANY; NATIONWIDE TITLE
CLEARING; FIRST AMERICAN TITLE
INSURANCE COMPANY; RENEE
PARKER; and DOE DEFENDANTS 1 – 20,

Defendants.

Case No.: 3:14-cv-05798-BHS

**REPLY TO DEFENDANTS GREEN
TREE SERVICING LLC,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC.,
WRIGHT, FINLAY & ZAK LLP, AND
RENEE M PARKER ESQ
OPPOSITION TO PLAINTIFF'S
MOTION FOR ENTRY OF
PROTECTIVE ORDER**

NOW COMES the Plaintiff, James A. Bigelow, who gives his reply to Defendants
Opposition to Entry of a Protective Order and states:

1. Plaintiff has recently been made aware of this Court's Model Stipulated Protective Order after filing his motion for Protective Order. The Protective Order submitted by the Plaintiff closely models this Court's recommended Model Stipulated Protective Order,

REPLY TO OPPOSITION OF PROTECTIVE ORDER
Case No.: 3:14-cv-05798-BHS

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and the Plaintiff does not object should this Court revert Plaintiff's Protective Order to that of this Court's Model Stipulated Protective Order.

2. Plaintiff objects to Defendant's motion in opposition to a Protective Order. Plaintiff has not been formerly schooled in law but feels as though Defendants are engaging Plaintiff in legal sparring. Defendant's motion in opposition to a protective order has the potential to mislead this Court. It appears that counsel for Green Tree Servicing LLC, Mortgage Electronic Registration Systems Inc., and Wright, Finlay & Zak LLP, has lost sight of the oath she took In order to enter the Washington State Bar Association. The Oath of an attorney in the State of Washington is as follows:

- A. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same.
- B. I will support the constitution of the State of Washington and the constitution of the United States.
- C. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Washington.
- D. I will maintain the respect due to the courts of justice and judicial officers.
- E. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by any artifice or false statement.
- F. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.
- G. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.
- H. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

3. Plaintiff has conferred in good faith with counsel for Green Tree Servicing LLC, Mortgage Electronic Registration Systems, and Northwest Trustee Services Inc. on or

REPLY TO OPPOSITION OF PROTECTIVE ORDER
Case No.: 3:14-cv-05798-BHS

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1 about January 14, 2015, during the 26(f) conference, about entering into a Confidentiality
2 Agreement. This Confidentiality Agreement was intended to set forth a guideline for
3 discovery matters and does not confer an advantage to any party.

4
5 4. Discovery in this action is likely to involve production of confidential, proprietary, or
6 private information for which special protection may be warranted. This Protective Order
7 is consistent with LCR 26(c). It does not confer blanket protection on all disclosures or
8 responses to discovery, the protection it affords from public disclosure and use only
9 extends to the limited information to items that are entitled to confidential treatment under
10 the applicable legal principles, and it does not presumptively entitle parties to file
11 confidential information under seal.


12 5. Defendants believe that an order for the entry of a protective order is premature. If I were
13 baking a cake, I would not wait until I made a mistake before I referred to the recipe.
14 Likewise, a protective order put into place prior to any discovery only sets forth a standard
15 guideline to follow with respects to discovery.

16 6. Defendants allege that this protective order will remove all basis for Defendants to object
17 to discovery requests and remove all defenses of privilege. Defendants are also making
18 presumptive conclusions as to the Plaintiff's motives for entry of a Protective Order. It
19 would appear that the Defendants have not taken the time to read neither the
20 Confidentiality Agreement nor the Protective Order, which are essentially identical. This
21 protective order does not strip Defendants of any rights whatsoever, but rather puts into
22 place an extra layer of protection for Defendants with regards to discovery.

23
24 7. Defendant's state that they would much rather have Plaintiff exhaust all other remedies,
25 which would, in all likelihood, not conserve judicial resources. Defendants do not support

1 this more efficient means to discovery, which would be provided by this protective order,
2 while at the same time preserving Defendants privilege rights. However, "under the model
3 order, it is the Court task's to determine whether material is subject to protection, not the
4 opposing party's task." *Minnis v. State*, Dist. Court, WD Washington 2013.


5 Dated this 13th Day of March, 2015
6 ~~23rd~~

7 
8 James A. Bigelow

9 **CERTIFICATE OF SERVICE**

10 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the State of
11 Washington that the foregoing is true and correct and that a copy of the foregoing has been
12 electronically provided to Renee M. Parker, Esq., and Joseph H. Marshall, Esq.

13 Executed this 25th day of March, 2015.

14 
15 James A. Bigelow

16 **VERIFICATION**


17 **STATE OF CALIFORNIA**

18 **COUNTY OF ORANGE**

19 BEFORE ME personally appeared James A. Bigelow who, being by me first
20 duly sworn and identified in accordance with California law, deposes and says:

- 21 1. My name is James A. Bigelow, Plaintiff herein.
22 2. I have read and understood the attached foregoing herein, and each fact alleged therein is
23 true and correct of my own personal knowledge.

24 FURTHER THE AFFIANT SAYETH NAUGHT.

25 
James A. Bigelow, Affiant

REPLY TO OPPOSITION OF PROTECTIVE ORDER
Case No.: 3:14-cv-05798-BHS

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1
2 SWORN TO and subscribed before me this 25th day of March, 2015.

3
4 SEE ATTACHED JURAT
5 Notary Public
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of ORANGE)

On MARCH 25, 2015 before me, ERIK ESTRADA, NOTARY,
 Date Here Insert Name and Title of the Officer

personally appeared JAMES A. BIGELOW
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact


☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT**GOVERNMENT CODE § 8202**

- ☐ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)


 Signature of Document Signer No. 1

 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of ORANGE

Subscribed and sworn to (or affirmed) before me

on this 25 day of March, 2015,
 by _____ Date _____ Month _____ Year _____

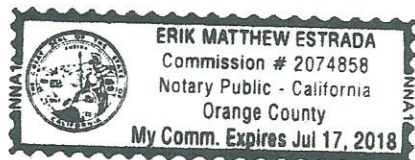
(1) JAMES A. BIGELOW

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.

Signature _____

Signature of Notary Public



Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

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